

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ATHONY CLEARMAN,  
  
PETITIONER,  
  
v.  
  
B.M. TRATE,  
  
RESPONDENT.

Case No. 1:22-cv-00444-HBK (PC)

ORDER GRANTING RESPONDENT'S  
MOTION TO SEAL PORTIONS OF  
APPENDIX PAGES 28-58

(Doc. No. 8)

Pending before the Court is Respondent's notice of request to seal appendix pages 28-58 to Respondent's motion to dismiss and response to Petitioner's § 2241 petition, filed on June 27, 2022. (Doc. No. 8).

Petitioner, Mark Clearman, a prisoner in the custody of the Federal Bureau of Prisons ("BOP"), has pending a petition for writ of habeas corpus under 28 U.S.C. § 2241. (Doc. No. 1). Pursuant to Local Rule 141(b), Respondent requests that the Court seal portions of the exhibits attached to their motion to dismiss, specifically Petitioner's pre-sentence investigation report. (*Id.* at 1). Respondent notes that Petitioner has access to the report in his BOP central file. (*Id.* at 1, fn. 1).

The Court finds that, for the reasons stated in Respondent's Notice and its Request, sealing those portions of Respondent's appendix serves a compelling interest. *See Kamakana v. City and County of Honolulu*, 447 F. 3d 1172, 1179-1180 (9th Cir. 2006); *Foltz v. State Farm*

1 *Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

2 Accordingly, it is **ORDERED**:

3 The Court GRANTS Respondent's Request as referenced in their Notice (Doc. No. 8) and  
4 directs the Respondent to provide an electronic copy of the document to be sealed to the Clerk of  
5 Court, at which time the Clerk of Court will file the document under seal. *See* Local Rule  
6 141(e)(2)(i).

7  
8 Dated: June 28, 2022

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE